

# The Independent Voice of NJ CIC Owners

by the **CIHC**, Common Interest Homeowners Coalition

## Spring 2020

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### **HOW to CONTACT**

**the CIHC:** Call Ellen Vastola (*Current President*) at 732-873-3446, 9 am til 9pm.

Editor: Ellen Vastola

**CIHC Website:**  
[www.c-ihc.org](http://www.c-ihc.org)

## \*\*\* NJ LEGISLATURE UPDATE! \*\*\*

**NOTICE:** COVID19 has the NJ Legislature busy writing legislation for our NJ CICs. Keep an eye out on the NJ Legislature website!

<https://www.njleg.state.nj.us/bills/BillsByNumber.asp>

AND . . . the comments from the “open comment” period for the “Radburn Law”, aka *an Amendment to PREDFDA* has been published! You can search for it as: **52 N.J.R. 1057(a)**.

AND, I will attach it to this newsletter emailing as a PDF.

I have begun reading it, and so far – so good. I agree with most of the comments. And I saw that the CIHC comments were read and included and answered.

I have my reading for this Memorial Weekend! 😊

### **Spring 2020: Message from the CIHC President, Ellen Vastola;**

Helloooooo Spring! The weather is more consistently warmer and the sun feels stronger. Seeing spring bulbs and flowers says warmer weather is here. Look around your community. Let you Board know what the property needs. Help the Board by being their eyes on the property. Of course, always be “respectful” in your communications. **AND STAY AWAY from CROWDS – STOP COVID 19!**



*Let's join together as a powerful VOICE for DEMOCRACY in our CICs to make a difference!*

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## Quotes Corner!

*If the freedom of speech is taken away then dumb and silent we may be led, like sheep to the slaughter.*

**George Washington**

*We do not have government by the majority. We have government by the majority who participate.* **Thomas Jefferson**

*Elections belong to the people.* **Abraham Lincoln**

The "**Independent Voice of NJ CIC Owners**" is calling for **ORIGINAL** newsletter articles, ideas, cartoons, or postings (to set up local/regional meetings, gatherings, protests, etc, to share experiences in person, etc).

The newsletter Editor reserves the right to use, edit or refuse a submission. Please send **your original submissions** to the Editor and put "**CIHC newsletter idea**" in the subject line; otherwise it will be deleted sight unseen.

**This newsletter is for YOU.**

## CIHC "HOA HUMOR"



Hey, WHO are the election "judges"? Are they friends of the incumbant Board OR are they the employees of the incumbant Board? Please tell me the results are impartial!

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What is going on in New Jersey for **CIC/CIRA** owners **SPRING 2020**:

## Legislative UPDATE/ Bills to track!

There are COVID19 Bills being considered! *They include video conferencing of monthly BOARD Meetings.*

To track Bills, go to: <http://www.njleg.state.nj.us/bills/bills0001.asp>



Find YOUR New Jersey Legislator in Trenton: <https://www.njleg.state.nj.us/members/legsearch.asp>

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## Radburn Law Regulations – Update.



The Radburn “Regs” **comments** have been published! These comments were collected by the NJ DCA and collated into a report, comment by comment. The report is too LONG for us to publish in this newsletter. So we are attaching it as a separate PDF doc for you.

I have begun reading the comments and have seen the **CIHC** comments included WITH answers from the NJ DCA. I have also seen the many comments from and solicited by the CAI-NJ. They too have been answered.

Ahh, this was my reading for **Memorial Weekend**. It kept my brain stimulated, and me inside where I am safe from possible infection.

**HAPPY READING**. I welcome your thoughts via email or phone.  
**And . . . . STAY HEALTHY!**

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The **CIHC** would like to acknowledge our **DONORS**  
in 2019. **Thank you** for your support!

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## **Conflict of Interest:**

**Our CIC Boards are vulnerable to this practice since there is NO State Law prohibiting this.**

New Jersey CICs NEED a “**conflict of interest**” requirement for their “elected” Board members. Our Boards are modeled after our democratic form of “government” at all levels. So why don’t we practice this *ethical* behavior in our real estate communities? I receive too many calls where I hear *conflict of interest* occurring. I hear that people lose trust in their Board when this conflict is allowed. Loss of trust corrupts our democratic governance.

Board members **MUST remove** any *appearance* or *actual* conflict of interest from their performance, as an elected Board member. The Boards members **MUST** not be employed by their Property Mgmt firm, or be a contracted employee to the CIC, or any other association that could compromise their decision making from being 100% for the community. **They cannot serve 2 masters!**

Our State Law mandates for Government employees:

**52:13D-14. State officer or employee or member of legislature; acceptance of thing of value to influence public duties**

No State officer or employee, special State officer or employee, or member of the Legislature shall accept from any person, whether directly or indirectly and whether by himself or through his spouse or any member of his family or through any partner or associate, any gift, favor, service, employment or offer of employment or any other thing of value which he knows or has reason to believe is offered to him with intent to influence him in the performance of his public duties and responsibilities. This section shall not apply to the acceptance of contributions to the campaign of an announced candidate for elective public office.

L.1971, c. 182, s. 3, eff.Jan. 11, 1972.

**52:13D-15. Representation, appearance or negotiation, directly or indirectly, for acquisition or sale of property by state**

No member of the Legislature or State officer or employee shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, whether by himself or by or through any partnership, firm or corporation in which he has an interest or by any partner, officer or employee of any such partnership, firm or corporation any person or party other than the State in any negotiations for the acquisition or sale by the State or a State agency of any interest in real or tangible or intangible personal property, or in any proceedings relative to such acquisition or sale before a condemnation commission or court; provided, however, nothing contained in this section shall be deemed to prohibit any person from representing himself in negotiations or proceedings concerning his own interest in real property.

**If New Jersey Law prohibits “conflict of interest” in the State Legislature, WHY don’t WE prohibit it in the “democratic governance” of our CICs?  
Remove this compromising practice with a STATE LAW!**

# The Independent Voice of NJ CIC Owners

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**“Knowledge is Power  
and Owners ARE the Power & Funding of every NJ CIC.”**

Hmmm, I said this in the last newsletter. I keep going back to it because I feel it is concise AND it is TRUE. This is the unspoken TRUTH of our communities. The POWER of our “common interest communities” lies WITH the Owners. This is the foundation of democracy! Therefore PARTICIPATION is CRUCIAL! **Participation/oversight** is the **beating heart of democracy**. Without participation, there is authoritarianism.

We can see this around the World. Some democratically elected officials who like the power, change the rules of law/government so they can be “president” for life! **That is authoritarianism.**

We see this throughout history. This makes me think of Germany in the 1930s-40s. Many German citizens were silent, or afraid, as Hitler started amassing his power while he served in government. In the 40s he had established his power and backed it with the military. *(This is MY interpretation of German history from my research. I am a German/Italian American. Many different cultures have used this strategy around the World and throughout human history.)*

When people do **not** exercise their right to vote, to speak out, to hold their elected leaders accountable, and to participate; then “someone” will fill that void. That someone is typically someone who wants POWER or comes to like the power.

So, **we the owners**, in our CICs, MUST exercise ALL our “governing doc” and State Law rights pertaining to the governance of our communities.

**WE, the owners**, FUND our CICs with our maintenance fees, and special assessments. **WE, the owners**, ELECT our governing Board members who are accountable to US for their actions and performance.

IF we are silent, or apathetic, then WE surrender our “collective” power to the few, elected Board members. Too often, these Board members take on authoritarian tendencies WHEN they are NOT held accountable. Ahhh, human nature.

THIS CAN BE STOPPED! IT MUST BE! **WE, the owners**, MUST take back OUR POWER! Speak UP! VOTE! GO to monthly Board meetings! ASK questions! Do your research by reading the governing docs and State Laws. **Knowledge is POWER. Use it Wisely!**



# The Independent Voice of NJ CIC Owners

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**Maverick is still watching!**

“Baa! I need keep my eyes open & “speak up””.

## Part 3 Conclusion: How to complain EFFECTIVELY!

[From Part 2: If you are in a rush or consider your matter of great importance, and you have disposable income, that is the best option. Otherwise, **be patient.**]

### Part 3...

Before getting angry at not getting the service you feel you deserve, remember:

1. The ARU does **not** function as your private attorney.
2. The ARU is **not** supported with tax dollars (any costs are paid through developer registration fees)\*\*, and,
3. The staff is trying to do a job with the most minimal of resources and faces *well paid opposition* at every turn.

Rather than thinking of the ARU as the cavalry coming to your rescue, think of it as the *triage tent at a disaster scene* where thousands have been seriously injured. Don't expect a police type investigation. The ARU does NOT go to your association and interview people - it acts through calls and correspondence. Similarly, don't request to go to their (ARU) office - they do NOT have time to see people. Anything you can say in person you can put in a writing and, with e-mail that is simple and quick (but because of that do NOT inundate the ARU with every thought or question.) Not knowing this reality, it is not unusual for complainants to write to the Commissioner, the Governor or their legislator.

Unlike the store scenario, none of these people can directly supply the relief requested nor does their involvement get your high-powered attention or “light a fire” under the ARU.

Since we are all grown-ups and presumably long ago stopped believing in Santa and other magical beings you should know and accept the reality that **NONE** of those “big-shot” people ever see your complaint.

Some staffer looks at it, figures out where to send it and gets rid of it. You should be able to guess where it ends up - *YUP, right back at the ARU.* And now, instead of applying themselves to actual work, they get to write a detailed letter explaining what they are doing so some big shot can sign it and look important. Does it help your case - -**QUITE** the opposite - having had to waste time hand-holding and writing a pointless letter - that **DOES** waste considerable State resources - the ARU is not thrilled to provide additional assistance to the writer. <uh oh>

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Consider a letter to the Governor's office just whining about how terrible your association is and how much help you need. You can bet the Governor never actually even sees it. It goes to a constituent relations person who decides whether to have someone many levels down (in this case at the ARU) write for the Governor - so he looks interested or they send it to the Department to handle and ask for a copy back for the file. Eventually the letter winds its way back up the chain with many questions and changes - looked at by at least a dozen persons at the various levels.

Consider that one signed by the Commissioner is written by the ARU then goes through the Bureau and the Division and then the Commission staff - none of whom have any knowledge of or expertise in the matter - other than as it pertains to bureaucracy. SO instead of addressing association problems, one of the *one and one-half ARU staffers* has to waste time writing a letter in which they are precluded from the truth - namely that they are understaffed, the law is pathetic and the DCA has never seen fit to do **Regulations** on important areas.

That, people, is politics. Is there a better way to handle your frustration - **YES!**

**The best complaints suggest the action desired and provide guidance.** For example, if complaining to the Governor you can ask why the State even tries to do this important job if it will not properly staff an operation (and since you know the reality, you can point out that there is no point in the State denying this or trying to use numbers of an entire Bureau to distract from the fact).

You know you will get a *pro forma* response from the Department that it is adequately staffed and has things well in hand. It has to say that because to do otherwise admits incompetence. Knowing the reality, you can anticipate that response and inform the Governor (or Commissioner) at the outset that this is unacceptable and mismanagement pure and simple.

Similarly, when complaining to a legislator - do NOT just complain. If you do, they will simply send it to the DCA and the usual useless paper chase will ensue. **Hole the legislator accountable - Demand they do their JOB - namely legislation!** Tell them NOT to send it to DCA for a useless response, but work with other legislators to put in a Bill to address your problem- and hopefully include counsel fees so you are on an equal footing with the association.

More staffing for the State may be desirable but it costs money- counsel fees are paid by the association if you are successful. This ONE legislative action would incredibly empower owners. Not only would it eventually destroy lazy, incompetent boards listening to bad advice from their "association" attorney. No more having the attorney get a windfall profit from fighting the State - even when they lose. Now owners will be asking boards why they are paying TWO attorneys all the time. The obvious answer should be all that is necessary to effect a change in board membership and the employment of an attorney who supports owner rights.

## **The END.**

***I hope this article helped. Let me know if you enjoyed it – I will let the author know!***

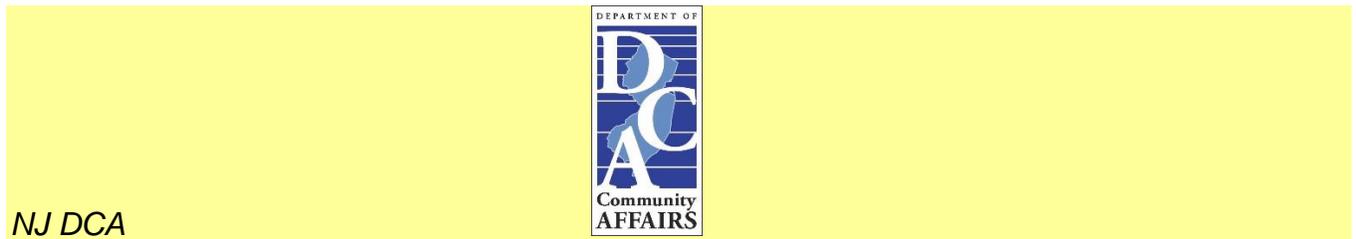
# The Independent Voice of NJ CIC Owners

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**\*\* NJ CIC Owners must HELP the NJ DCA ARU w/ Funding to support ARU's Operations!\*\***

I just had an idea from re-reading the above serialized article conclusion. (Thanks to the writer of the article) The above statement: "2. The ARU (assoc. regulation unit) is not supported with tax dollars (any costs are paid through developer registration fees)" has me thinking...

**THIS** is why the ARU has limited time, people and resources to HELP all the CIC owners (1.2 million & counting) in New Jersey who encounter issues in their CICs. There is LIMITED funding! The developers register and pay the "one-time fee" for each developed community and then move on.



WE, the owners, LIVE here, typically for many years/decades, and NEED HELP when we encounter problems with the "self-governance" of our CICs. Developer money is LIMITED depending upon how many communities are/were built in a given year. How BIG is that "pot of money" anyway?

Yes, it goes into a fund to support the DCA BHP - ARU, but eventually, New Jersey will be done with "developing". Then WHAT???? Where will the money come from in the future? Do we even have enough money NOW to address ALL the CIC owner's issues? Apparently NOT! The evidence of this is the "inundated and overworked" staff in the NJ DCA ARU! (Association Regulation Unit)

**Since the Owners reside in these communities for many years, it would benefit the owners to support an expanded and well-funded ARU! What do you think about that?**

We need to think about HOW we could accomplish this.

I KNOW that NO one wants another "tax". But what about an "annual FEE" going to the NJ DCA ARU to support their functioning? We will ALL benefit from this!

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I know I **WOULD SUPPORT** this concept. I would pay an **ANNUAL \$1.00** (one dollar) fee to fund the **DCA ARU**. This would be money well spent! Statistics show that **MORE** than 1.2 Million people reside (not necessarily # of units) in New Jersey CICs. **We NEED to consider # of units!**

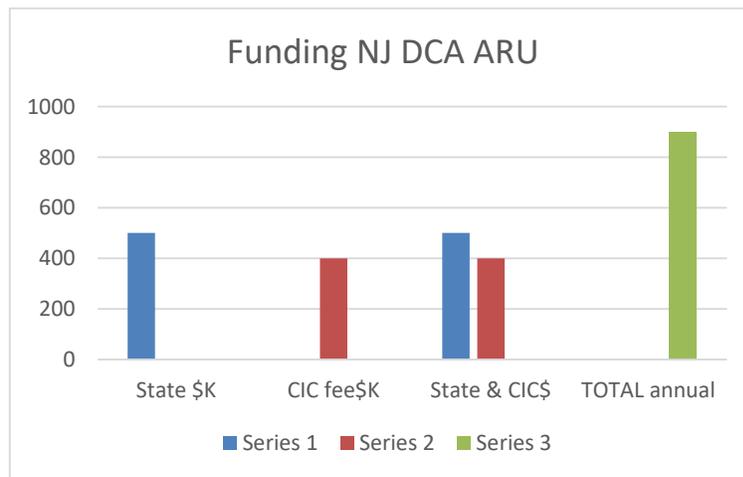
There could be 2 ways to collect this annual fee:

1. Each UNIT Owner pays the NJ DCA this annual fee; **OR**
2. Each CIC pays this fee FROM the Association operating account. So, if a CIC has 150 units, then the Association pays \$150 to the State each year. This could be put into the CICs "annual budget". The CAI-NJ says there are 6,600 CICs in NJ. (I am afraid the CAI-NJ will oppose this as a "tax".)
  - a. 6,600 **total # units** X \$1.00 = annual budget

**I think having the Association perform this function would be more efficient AND better to tracking and accountability.**

Doing the basic math for the Funding: (x) # of units X \$1 = **\$\$\$\$**, could be "collected" EACH YEAR to fund the NJ DCA ARU operations.

Visually in a chart: "say" State/Developers contribute \$500K annually, then add that CICs contribute \$400K annually; the total could be \$900K annually!



(Remember, I still support the idea of **MOVING the ARU to the Dept of CONSUMER PROTECTION!** CIC Ownership is a **CONSUMER** activity as is the continued living and **PAYING annual maintenance fees** for services. This funding idea would follow wherever the ARU is placed.)

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This “new” revenue stream would be expected annual income for the DCA BHP- (Bureau of Homeowner Protection) ARU each year! WOW, think how OUR issues could be more efficiently addressed and enforced? More staff, outreach and resources! And think about ADR (alternate dispute resolution). **We, the Owners, should advocate to change current Law to clearly provide a state entity such as the NJ Attorney General to review bylaws, determine violations and provide ADR.** **Again, we should move the BHP-ARU to the Dept of CONSUMER Affairs!**



ADR

& more staff



**YES – outreach!** The **NJ DCA** OR other State oversight Dept. **should** be a participant in the **TWO** Condo Expos held in New Jersey every year! **They could now afford a booth.**



**What can YOU do? Contact YOUR NJ Legislator to Trenton!**

<https://www.njleg.state.nj.us/members/legsearch.asp>

Tell them you want a Bill that states: “Each common interest community in New Jersey, **including “exempted”** communities, are to PAY to the ARU, a ONE (or more) DOLLAR fee PER UNIT annually, to support the mission and purpose of the ARU.” Therefore the **ARU** in the **NJ DCA** will have the funding necessary to handle & **enforce** ALL incoming CIC owners complaints (now & in the future) in a more efficient and timely manner. WOW, an efficient NJ agency – I LOVE it.

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Rebel says:

**BE a Witness to your Board's voting/decisions!**

## **Board Member Training #5: How the Board makes Decisions!**

I have heard of 2 scenarios from the many phone calls I have answered.

1. Boards talk amongst themselves either via phone, email or a private Board meeting labeled as “executive or work session”, and decide via a vote.
2. Boards talk “openly” at their regularly scheduled monthly, or other frequency, prior to open voting. The owners who choose to attend are witnesses to the decision via the Board vote, as in our democratic government model.



I hate to say this . . . BUT most often I hear about #1. Many callers to the CIHC tell me of **Board decisions NOT done openly**. AND . . . when the owner asks to review the meeting minutes of the Board where the vote/decision was made, they are stalled and stalled . . . and/or just told “no”.

I also hear about one Board member, typically the President, who unilaterally decides the “Board’s” course of action. Sometimes this happens OUTSIDE a Board meeting beforehand, and sometimes IN the Board meeting. It seems the other Board members are too meek to challenge this “dominant, power over” personality. Ahhh, all it takes is the other Board members sticking together for the good of the CIC and voting in a block. *Just do it!*

The **NJ Condo Act of 1969** specifically states that **any vote taken by the Board which affects the Owners, MUST be done at an **Open Board meeting** where owners *can* be present**. I suggest that ALL decisions of the Board affect the Owners. What are they voting on that doesn't affect the Owners . . . dinner?

So, why isn't this happening? Why do *some* Boards still operate **behind closed doors**? Why are Boards allowed to do this when they have retained Legal **ASSOC.** Counsel and/or a Prop/ Mgr. who “knows” (*should know*) the Law? *You know why* – remember WHO signs their checks & contracts. <*sigh*>

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The CIHC spotlights current events & our CICs!

There WERE 2 scheduled Expos for Condo, HOA, Coop, PUD owners in New Jersey. The Spring has the *Cooperator* Expo in Secaucus, NJ.

<https://nj-expo.com/>

<https://www.cainj.org/2019-conference-expo/>

**AHHHHH, a lot has happened since I first drafted this edition of newsletter. Namely – COVID19!**

**I am aware that the *NJ Cooperator* has postponed their Spring Expo to the Fall – November, I believe. This is just weeks away from the *NJCAI* Expo.**

**I hope we are past COVID19 by then. We can be, but only IF we all do our best for ourselves AND our neighbors. Do what the CDC and or YOUR Doctor tell you to do.**

**STAY HEALTHY and see you soon!**

**DISCLAIMER: The **CIHC newsletter** is written by and for **NON-attorneys**. **We do NOT and cannot practice law or give legal advice.** We do provide information to aid NJ CIC owners when they have issues in their communities. We can and do support New Jersey's CIC owners and Boards for a democratic experience and enhanced quality of life, for all, in said communities.**

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We welcome contributions from NJ residents who share in the goals/mission of the C-IHC. We need funds for: maintenance of our website, postal mailings, flyer production & distribution, expenses for contacting legislators and others, travel, periodic meetings, speakers, etc. IF you share our Mission and Goals, please contribute. **We are a registered NJ 501(c)3 - not for profit organization.**

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Please print out this form & send your helpful Contribution to become a **CIHC Friend**:

**Common-Interest Homeowners Coalition,**  
Post Office Box 1511, Hightstown, NJ 08520.

**Contributing Categories:** (check off the appropriate blank)

- **Premium Contributor:** \$100 or more \_\_\_\_\_
- **Sustaining Contributor :** \$30 or more \_\_\_\_\_
- **Regular Contributor:** \$20 \_\_\_\_\_
- **Interested person/friend:** \$ \_\_\_\_\_

**THANK YOU!**

**CHECK HERE** if you do **NOT** want your donation to be publicly acknowledged in future newsletters by your first initial and last name.

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**THANK YOU** for your *(continued)* **SUPPORT!**

Your contact information will be held as **CONFIDENTIAL/ CIHC use ONLY.**